



MISSOURI DEPARTMENT OF MENTAL HEALTH

DORN SCHUFFMAN, DEPARTMENT DIRECTOR



DEPARTMENT
OPERATING
REGULATION
NUMBER

DOR
6.090

CHAPTER Human Resources	SUBCHAPTER Employee Rights and Grievances	EFFECTIVE DATE 7/1/2002	NUMBER OF PAGES 5	PAGE NUMBER 1 of 5
SUBJECT Handling Employee Grievances		AUTHORITY Section 630.050, RSMo And 1 CSR 20-4.020	HISTORY See Below	
PERSON RESPONSIBLE Deputy Director, Human Resources			SUNSET DATE 7/1/2004	

PURPOSE: Prescribes process for handling employee grievances.

APPLICATION: Applies to the entire department.

(1) As used in this procedure, the following terms mean:

(A) "Day," calendar day;

(B) "Grievance," a completed DMH form 8003 (or equivalent union form) setting out one of the following:

1. dissatisfaction with terms and conditions of employment;
2. alleged misapplication or violation of a union resolution provision as to an employee in a bargaining unit;
3. appeal of suspensions of five (5) days or less.

The term "grievance" does not include personnel transactions or administrative decisions of the head of facility for which the State Personnel Law or rules provide a specific appeal to the Personnel Advisory Board or review by the personnel director.

(C) "Grievant," an employee who files a grievance;

(D) "Employee," any person who receives a wage or salary from the department;

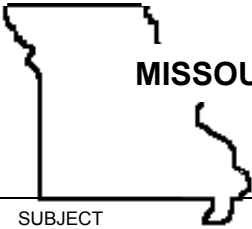
(E) "Respondent," work manager, head of facility, division director or department director (or designee, if any) issuing a written decision to a grievance;

(F) "Work manager," highest ranking employee in grievant's supervisory chain, no more than two (2) levels below the appointing authority.

(2) Employees are encouraged to informally discuss matters of concern regarding working terms and conditions with their supervisors or the facility personnel office.

(3) Employees may appeal any suspensions of five (5) days or less within thirty (30) days of the first date suspended to their division director (or department director if not in a division) on DMH form 8003, Grievance Form or union equivalent form. Appeals shall be processed as set out in section (8) (B)--Steps 3 and 4.

(4) Employees, either individually or by group may file non-suspension grievances (preferably after making attempts to resolve the matter informally) by submitting DMH form 8003, Grievance Form, (or union equivalent form) and giving it to their work managers within thirty (30) days of the occurrence giving rise to the grievance. The grievance shall contain all information requested on the form. Such grievances shall be processed according to section (8). The work manager shall send copies of the grievances to the facility personnel office and notify the immediate supervisor.



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(5) The work managers, heads of facilities, and staff investigating shall confer with and listen to grievants, if requested on the grievance form, before completing their responses to the grievances. The staff at the division or department director level may talk on the telephone with the parties involved or interview them at the facility.

(6) The grievant may have another employee or a member of the Employee Relations Committee present during any conferences with the work manager, head of the facility, or staff investigating the grievance. Their presence shall not interfere with the orderly processing or investigation of the grievance.

(7) Respondents at each level shall provide written decisions identifying issues, finding facts, and drawing conclusions. Respondents shall provide copies to the facility personnel office of the decisions given to the grievants. Respondents shall return the original grievance form and attachments to the grievant with their written decision.

(8) The following are the informal and formal stages in the grievance procedure:

(A) Informal stage: Before a formal grievance (a completed DMH form 8003 or equivalent union form) is filed, the employee shall attempt to resolve the issue informally with the supervisor or another member of management. An employee may request that someone from the facility personnel office or Office of Human Resources in Central Office assist by arranging and facilitating a meeting between the grievant and the grievant's supervisor to attempt to resolve the issue.

(B) Formal stage: If the grievance is not resolved in the informal stage, an employee may file a formal grievance. The employee may obtain assistance at each of the formal steps at the local level from facility human resources staff. The steps in the formal grievance procedure are:

1. Step One: The work manager shall, within fourteen (14) days of receipt of the grievance, discuss it with the grievant's supervisor, confer with the grievant (if requested) and provide a written decision to the grievant.

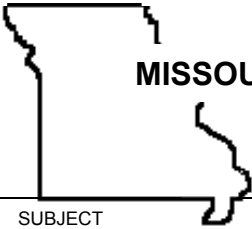
2. Step Two: If the grievance is not adjusted to the grievant's satisfaction or if no decision is received by the grievant within fourteen (14) days, the grievant may request that the head of the facility respond. The head of the facility shall confer with the grievant (if requested) and provide a decision to the grievant within fourteen (14) days of receiving the grievance.

3. Step Three: If the grievance is not adjusted to the grievant's satisfaction or if no decision is received by the grievant within fourteen (14) days, the grievant may submit the grievance to the appropriate division director.

a. Within thirty (30) days of receipt of the grievance, the division director shall render a decision.

b. The division director shall issue a decision to the grievant through the head of the facility.

c. The grievant shall acknowledge receipt of the decision on a copy to be given to the facility personnel office and the Employee Relations Section of the Office Human Resources in Central Office.



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4. Step Four: If the grievance is not adjusted to the grievant's satisfaction or if no decision is received by grievant within thirty-five (35) days of filing the grievance at Step Three, the grievant may request review by the department director. The department director shall send the decision to the head of the facility for transmittal to the grievant. The grievant shall acknowledge receipt of the decision on a copy to be given to the facility personnel office and the Employee Relations Section of the Office of Human Resources in Central Office.

a. If the grievance relates solely to alleged misapplication or violation of a union resolution, the grievance can be scheduled for review by a grievance panel before the department director issues his decision as set out in the applicable union resolution.

b. All other grievances shall be decided by the department director.

(9) The grievant has seven (7) days to advance the grievance to the next step, after time for response has passed or the grievant receives a decision. The grievant shall submit specific reasons in writing why the decision at any step was unacceptable when advancing the original grievance to the next step. Any decision which is not filed at the next step within the time allowed shall be considered final with the last decision issued. The department director's decision is final.

(10) The grievance shall not be altered or amended through the various steps. The subject(s) of a grievance shall not change through the process.

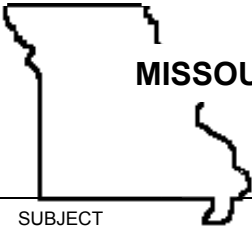
(11) Where intervening work managers do not exist (e.g., when an assistant superintendent is the grievant), any non-applicable steps in the grievance process may be disregarded. The division director or department director is substituted for the head of the facility if the grievance is filed by any head of a facility or a central office division or department employee.

(12) The time limitations may be extended at any step in the grievance procedure by written agreement of the grievant and any respondent. The time limitation shall be extended if either the grievant or the respondent is on approved leave and requests such extension.

(13) After the grievance is closed, the grievance responses and other documentation shall be filed separately from the grievant's personnel file for a least three (3) years.

(14) Employees, including supervisory and administrative staff, shall not discriminate or retaliate against any grievant because a grievance was filed.

(15) The department may accelerate grievances that have potentially wider implications than for the immediate adjustment of the grievance.



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(16) The department may consolidate grievances which raise similar or identical issues. If such consolidation occurs, the decision as to each grievance shall be issued separately. Consolidation may result in accelerated handling of a grievance or may result in movement to a higher step in the procedure without completion of earlier steps.

(17) Reasonable efforts shall be made to enable grievants and any assisting employee to present the grievances during working hours without loss of pay. However, such time shall not serve to extend the work day or cause overtime to be earned.

(18) Unless otherwise required by law, the grievance shall be administratively closed when either the employee ceases employment or the employee files suit over the same subject matter giving rise to the grievance.

(19) Any respondent at steps 1 and 2 may have facility staff review the grievances and recommend decisions. At step 3--section (8) (B), staff of the Employee Relations Section of the Office of Human Resources and investigators shall review the grievance file, discuss the grievance with heads of the facilities involved, confer with grievant (if requested), conduct investigations if necessary, and recommend decision to the division director. At step 4, except for grievance panel matters, the Deputy Director for Human Resources or designee shall review the grievance file, discuss the grievance with heads of the facilities involved, confer with grievant (if requested), conduct necessary investigations and recommend a decision to the department director.

(20) Employees assisting any grievant in conferences shall obtain the permission of their immediate supervisor before leaving their work areas. The supervisors shall grant permission for the assistance unless operational reasons dictate otherwise. Upon return to duty, assisting employees shall so advise their supervisors.

(21) The facility personnel office shall report quarterly to the head of the facility and the Director of Employee Relations the numbers of grievances filed, closed, and pending as well as the types and subject matter of the grievances. The Director of Employee Relations shall report on grievances quarterly and annually to the division and department directors.

History: Original DOR effective April 15, 1990. Amendment effective July 1, 1996. Amendment effective July 1, 2002. On July 1, 2003 the sunset date was extended to July 1, 2004.